



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Larry Carr, Mayor Pro Tempore	Larry Carr, Vice-Chair
Mark Grzan, Council Member	Mark Grzan, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

WEDNESDAY, FEBRUARY 21, 2007

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY REGULAR MEETING

6:00 P.M.

A Special Meeting of the City Council is Called at 6:00 P.M. for the Purpose of Conducting a Closed Session.

Steve Tate, Mayor

CALL TO ORDER

(Mayor/Chairperson Tate)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action

CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 1

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

RECOGNITIONS

CITY COUNCIL REPORTS

Mayor Tate

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-16

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

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Consent Calendar: 1 - 10 Minutes

1. **NEW LIBRARY PROJECT – JANUARY CONSTRUCTION PROGRESS REPORT** 1
Recommended Action(s): Information only.
2. **2007 BOARD AND COMMISSION INTERVIEW AND APPOINTMENT SCHEDULE** 7
Recommended Action(s): Review and Approve the Proposed 2007 Board and Commission Interview/Appointment Schedule.
3. **FRIENDLY INN LEASE AGREEMENT WITH THE YMCA OF SANTA CLARA VALLEY** 9
Recommended Action(s): Authorize City Manager to Execute a Lease Agreement Thru June 30, 2007 with the YMCA of Santa Clara Valley at Friendly Inn; Subject to Review and Approval by the City Attorney.
4. **FIRST AMENDMENT TO AGREEMENT WITH THE STROMBOTNE LAW FIRM** 23
Recommended Action(s): Authorize City Manager to Execute a First Amendment to Agreement with the Strombotne Law Firm; Subject to Review and Approval by the City Attorney.
5. **AMENDMENT TO ANNUAL CONTRACT WITH REPUBLIC ELECTRIC FOR TRAFFIC SIGNAL AND STREET LIGHT MAINTENANCE** 35
Recommended Action(s):
 1. Approve Amendment to Agreement with Republic Electric to Increase the Maximum Compensation from \$130,000 to \$230,000; and
 2. Appropriate \$10,019 from Current Year Un-appropriated Fire Impact Fund Balance (Fund 313) to the Street Operations Budget (202-6100).
6. **APPROVAL OF A THREE-YEAR GRANT AGREEMENT WITH SANTA CLARA VALLEY WATER DISTRICT TO ASSIST WITH CITY'S STORM WATER QUALITY PROGRAM** 41
Recommended Action(s):
 1. Authorize City Manager, Subject to Review and Approval by the City Attorney, to Execute a Three-Year Grant Agreement with the Santa Clara Valley Water District to Provide \$45,000 to the City in Support of Storm Water Quality Efforts; and
 2. Appropriate \$15,000 of Un-Appropriated Community Development Funds (206-5410) to Fund the First Year of the Program (Reimbursable Upon Receipt of Grant Funds).

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	Consent Calendar: 1 - 10 Minutes	
7.	<u>ACCEPTANCE OF THE INDOOR (CENTENNIAL) RECREATION CENTER PROJECT AND AMENDMENTS TO CONSULTANT AGREEMENTS</u> <u>Recommended Action(s):</u> 1. <u>Accept</u> as Complete the Indoor (Centennial) Recreation Center Project in the Final Amount of \$17,341,134 and <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office; 2. <u>Amend</u> Consultant Agreements with the Following; Subject to Review and Approval by the City Attorney: a) Nova Partners, Inc. for an Additional Fee not to Exceed \$24,180 b) Biggs Cardosa Associates for an Additional Fee not to Exceed \$12,750 c) Noll & Tam Architects for an Additional Fee not to Exceed \$6,916 d) Lewitz and Associates for an Additional Fee not to Exceed \$864; and 3. <u>Appropriate</u> \$51,160 from Current Year Unallocated Traffic Impact Fee Fund to the CIP Project Account (#229001) for Offsite (Median) Improvements to West Edmundson Avenue.	49
8.	<u>AWARD OF PROFESSIONAL SERVICES CONTRACT FOR LIFT STATION C SEWAGE PUMP STATION</u> <u>Recommended Action(s):</u> <u>Authorize</u> City Manager to Execute a Consultant Agreement for Design and Preparation of Plans, Specifications and Estimates for Modifications to Lift Station C Sewage Pump Station with Freitas + Freitas Engineering, Subject to Review and Approval by the City Attorney.	57
9.	<u>ACCEPTANCE OF DONATION FOR OFF-LEASH DOG PARK IMPROVEMENTS AT COMMUNITY PARK</u> <u>Recommended Action(s):</u> <u>Accept</u> Donation by D.O.G. "Dog Owner's Group" for Off-Leash Dog Park Improvements at Community Park.	63
10.	<u>AMENDMENT TO ANNUAL AGREEMENT WITH PETERSON POWER SYSTEMS, INC. FOR GENERATOR MAINTENANCE SERVICES</u> <u>Recommended Action(s):</u> <u>Approve</u> Amendment to the Agreement with Peterson Power Systems, Inc. to Increase the Maximum Compensation from \$44,000 to \$52,000.	67
11.	<u>PALO ALTO INFORMATION TECHNOLOGY SERVICES CONTRACT AMENDMENT</u> <u>Recommended Action(s):</u> <u>Authorize</u> City Manager to Execute the Contract Amendment with the City of Palo Alto for the Provision of Expanded Information Technology Support Services; Subject to Review and Approval by the City Attorney.	71
12.	<u>COURTHOUSE GARDEN DESIGN CONTRACT</u> <u>Recommended Action(s):</u> <u>Authorize</u> City Manager to Execute a Contract with Bellinger Foster Steinmetz not to Exceed \$40,000 for the Design of the Courthouse Water Conservation Demonstration Garden; Subject to Review and Approval by the City Attorney.	75
13.	<u>AUTHORIZATION FOR CITY MANAGER TO REQUEST WELL EASEMENT FROM THE MORGAN HILL UNIFIED SCHOOL DISTRICT ON THE LIVE OAK CAMPUS</u> <u>Recommended Action(s):</u> <u>Authorize</u> City Manager to Request a Well Easement on the Live Oak High School Campus from the Morgan Hill Unified School District.	79
14.	<u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) 2006 QUARTERLY REPORT #4</u> <u>Recommended Action(s):</u> <u>Accept</u> and <u>File</u> RDCS Fourth Quarter Report for 2006.	83

Time Estimate

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Consent Calendar: 1 - 10 Minutes

15. **NEXT STEPS FOR SOUTHEAST QUADRANT (SEQ) PLANNING, INCLUDING AGRICULTURAL MITIGATION POLICIES, GREENBELT FINANCING AND IMPLEMENTATION STRATEGY, SEQ URBAN LIMIT LINE (ULL), AND EXPLORATION OF SPORTS/RECREATION USES IN SEQ** 101
Recommended Action(s):
1. **Review** and **Approve** Proposed Work Plan and Process Outline for Developing Agricultural and Open Space Policies and Greenbelt Financing and Implementation Program, Including a Strategy for the SEQ and UUL/Greenbelt; and
2. **Authorize** City Manager to Execute the Contract Amendment for \$16,000; Thereby, Approving the Proposed Consultant Scope of Work to Undertake Activities to Further Explore the Strength of Market and Property Owner Interest in Sports/Recreation Uses in the SEQ; and to Develop Recommendations for Next Steps for SEQ and ULL/Greenbelt Planning, Subject to Review and Approval by the City Attorney.
16. **GRANADA THEATER** 121
Recommended Action(s): Information only.

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 17-18

Time Estimate

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Consent Calendar: 1 - 10 Minutes

17. **INTERIM ACQUISITION LOAN AND COMMITMENT TO FUND DOWNPAYMENT ASSISTANCE PROGRAM FOR THE MADRONE PLAZA HOUSING PROJECT** 123
Recommended Action(s):
1. **Authorize** Executive Director to do Everything Necessary and Appropriate to Execute and Implement a Loan Agreement with South County Community Builders for an Amount of \$2 Million in CalHFA RDLP funds for the Madrone Plaza Housing Project; and
2. **Preliminarily Commit** to South County Housing an Amount up to \$1.9 Million in Agency 20% Housing Setaside Funds for the Madrone Plaza Housing Project.
18. **AWARD PURCHASE ORDERS FOR DEMOLITION OF THREE AGENCY OWNED BUILDINGS** 127
Recommended Action(s):
1. In Accordance with Section 3.04.150A of the City Municipal Code, Staff **Recommends** the Agency Determines the Competitive Bid Process for Demolishing the LaMalfa House (Located at the Outdoor Sports Center Site), Acton Farm House (Located at 55 East Fourth Street), and 16545 Murphy Avenue House (Located at the Outdoor Sports Center Site) Would not Likely Result in a Lower Price to the City from a Responsible Bidder and/or Would Cause Unnecessary Expense and or Delay; and
2. **Approve** Three Purchase Orders to Randazzo Enterprises in the Amount of \$10,262 (LaMalfa House), \$7,000 (Acton Farm House), and \$6,350 (16545 Murphy Avenue House), with a 10% Contingency for Each.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 19

Time Estimate

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Consent Calendar: 1 - 10 Minutes

19. **APPROVE JOINT REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF FEBRUARY 7, 2007** 129

City Council Action

PUBLIC HEARINGS:

Time Estimate

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20. 3 Minutes **ZONING AMENDMENT, ZAA-04-01/DEVELOPMENT AGREEMENT, DAA-04-08: TILTON-GLENROCK**151
- Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
- Action- **Motion to Waive** the Reading in Full of the Zoning Amendment Ordinance.
- Action- **Motion to Introduce** Zoning Amendment Ordinance by Title Only. (Roll Call Vote)
- Action- **Motion to Waive** the Reading in Full of the Development Agreement Ordinance.
- Action- **Motion to Introduce** Development Agreement Ordinance by Title Only. (Roll Call Vote)

City Council Action

OTHER BUSINESS:

Time Estimate

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21. 30 Minutes **STATUS REPORT REGARDING IMPLEMENTATION OF THE INSTITUTE GOLF COURSE MITIGATION MONITORING AND REPORTING PLAN (MMRP) AND SITE DEVELOPMENT AND GRADING PLAN (SDGP)**173
- Recommended Action(s):**
1. **Direct** Applicant to Submit the Site Development and Grading Plan (SDGP) by April 2007, and that the Project Return Directly to the City Council, Along with any Required CEQA Document, for the Required Design Permit Public Hearing for Action by the City; and
 2. **Request** U.S. Fish and Wildlife Service (USFWS) to Attend a Meeting Prior to April 2007 Between the City, Applicant, and USFWS to Review Current Status of Compliance with Habitat Mitigation Measures.

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.